
From: Rukavina, Davor
Sent: Thursday, May 11, 2023 1:53 PM CDT
To: Argeroplos, Victoria
CC: Eric Schaffer; Silverstein, Paul; Guffy, Philip; Berghman, Thomas; Funk, Brenda
Subject: RE: Goodman: Prosperity 9019
Attachments: 1838 05-31-22.pdf

Victoria, I would be surprised if the Bank cannot very quickly confirm the fact of the transfers, since it has all of the records, and, if the Bank disputes the fact of the transfers, then we can all spend time going through the discovery, etc. Attached for example is the May 31, 2022 statement showing one of these transfers in the amount of \$26,231.25. We've been asking for documents from Prosperity for weeks, with nothing back, so I guess I am confused as to what is going on internally there.

I need to know the Bank's response to whether it will accept either of the Trustee's proposals to avoid a withdrawal of the settlement motion.

Thank you

Davor Rukavina, Esq.

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From: Argeroplos, Victoria <vargeroplos@jw.com>
Sent: Thursday, May 11, 2023 10:14 AM
To: Rukavina, Davor <drukavina@munsch.com>
Cc: Eric Schaffer <eschaffer@stonecipherlaw.com>; Silverstein, Paul <PaulSilverstein@andrewskurth.com>; Guffy, Philip <PGuffy@hunton.com>; Berghman, Thomas <tberghman@munsch.com>; Funk, Brenda <bfunk@munsch.com>
Subject: RE: Goodman: Prosperity 9019

External Email: Use caution with links and attachments.

Hi Davor,

The Bank is discussing your proposals. Could you please send me a copy of the payments that make up the \$513k? We are looking into the Bank's records on this but are not able to see the sources on our end for certain types of payments.

Victoria Argeroplos

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From: Argeroplos, Victoria
Sent: Wednesday, May 10, 2023 10:06 AM
To: Rukavina, Davor <drukavina@munsch.com>
Cc: Eric Schaffer <eschaffer@stonecipherlaw.com>; Silverstein, Paul <PaulSilverstein@andrewskurth.com>; Guffy, Philip <PGuffy@hunton.com>; Berghman, Thomas <tberghman@munsch.com>; Funk, Brenda <bfunk@munsch.com>
Subject: RE: Goodman: Prosperity 9019

Hi Davor,

I just got back in town and have relayed your message to the Bank. I will follow up as soon as I can.

Thanks,

Victoria Argeroplos

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From: Rukavina, Davor <drukavina@munsch.com>
Sent: Tuesday, May 9, 2023 3:18 PM
To: Argeroplos, Victoria <vargeroplos@jw.com>
Cc: Eric Schaffer <eschaffer@stonecipherlaw.com>; Silverstein, Paul <PaulSilverstein@andrewskurth.com>; Guffy, Philip <PGuffy@hunton.com>; Berghman, Thomas <tberghman@munsch.com>; Funk, Brenda <bfunk@munsch.com>
Subject: Goodman: Prosperity 9019

****RECEIVED FROM EXTERNAL SENDER – USE CAUTION****

Victoria:

The Trustee is being pushed by the biggest creditors to withdraw from our settlement. In large part, they are concerned that Prosperity is getting a release on the \$513,742 in payments, for paying seemingly no consideration to the estate. It is their argument that this is an easy constructively fraudulent transfer case, and Prosperity has given us no indication of any defense. In their view, the Bond Holders are getting an immediate benefit by having their funds released, but the estate is paying for that by giving up its own strong claim. Furthermore, while the Trustee was previously comfortable with retaining his claims against Genesis, recent information suggests that Genesis may not be able to repay any transfer.

Therefore, the Trustee believes that the appropriate resolution of the matter, to avoid him withdrawing from the settlement, is one of the following:

1. We do the deal as is but Prosperity does not obtain a release on the \$513,742 (but obtains a release otherwise); or
2. We do the deal as is and Prosperity, from its funds, pays \$200,000 to the Estate free and clear.

Please let me know Prosperity's decision, as time is of the essence.

Thank you

Davor Rukavina, Esq.

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